THE HONOURABLE SHRI JUSTICE K.C. BHANU

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WRIT PETITION NO.11546 OF 2003

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DATED THIS THE 8TH DAY OF AUGUST, 2005.

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Between:

A. Samba Siva S/o Subba Rao,

aged 26 years, R/o 1-5-5/2,

New Maruthinagar, Kothapeta,

Hyderabad. …Petitioner.

And

The Chairman and Managing Director,

Power Distribution Company of Andhra Pradesh

Limited, Vidyuth Soudha, Khairatabad,

Hyderabad and another. …Respondents.

Oral Order:

Challenging the Proceedings dated 23.4.2003 the present writ petition is filed. The brief averments of the writ petition are as follows:-

The petitioner has been working with the respondents'- company as a contract labor and is attending to the work of fabrication of line material erection of 11 KV and 33 KVLT lines in night shifts under R.K. Enterprises. He is a diploma holder in Electrical and Electronics Engineering besides being the holder of other necessary technical qualifications. On the issuance of paper notification B.P.M.S.No.36, dated 18.5.1997 for regularizing the services of ex-casual labor/contract labor and village electricity workers he attended the interview in February, 1999, but the respondents have not declared his result. As such, he made a representation on 26.4.2001 to the respondents requesting to declare his result, however, the respondents did not pass any orders on the said representation. He, therefore, got filed WP No.4969/2003 before this Court, which Petition having been allowed, the respondents were directed to declare the result of the petitioner. Pursuant to the said direction the respondents vide Lr.No.SE/OP/North/Hyd/Admn A3/D.No.131/03 dated 23.4.2003 declared the result stating that his case has not been considered as he has been studying Diploma in Electrical and Electronics Engineering (DEEE) (3 year full time course) in Government Polytechnic College, Nalgonda, during the academic year 1995-1998, as a Regular Day Scholar Student, though the Service Certificate issued

by M/s. R.K. Enterprises, Secunderabad shows that he has been working in the organization since 1.1.1997, which cover the academic years and the place of study and rejected his application. Thereafter he submitted a representation on 26.4.2001 to the respondents explaining all the relevant facts about his studies and service as contract labor in the respondent-organization and in spite of it, the respondents rejected his case through the proceedings impugned in this writ petition. In those circumstances, the petitioner got filed this writ petition.

The learned counsel for the petitioner contended that as per B.P.Ms.No.36, dated 18.5.1997 the petitioner was working as Night Shift Operator as on 18.5.1997, which is a cut-off date and that this aspect has not been considered by the respondents.

On the other hand the learned counsel appearing for the respondents contended that since by the cut-off date the petitioner was prosecuting his studies in full-time course of Diploma in Electrical and Electronics Engineering

(DEEE), his case was rejected and, as such, the Proceedings impugned in this writ petition does not suffer from any interference.

As seen from the impugned proceedings, the ground on which the petitioner's case was rejected is that the petitioner was prosecuting his studies of Diploma in Electrical and Electronics Engineering (DEEE) (3 years full-time course) in Government Polytechnic College, Nalgonda during the academic years 1995-1996 and 1997-1998 as a Regular Day Scholar Student, but the Service Certificate issued by M/s. R.K. Enterprises, Secunderabad shows that he has been working in the organization from 1.1.1997, which falls in between the academic years and the place of study also has fallen far away from the working place. The Service Certificate issued by M/s. R.K. Enterprises would go to show that the petitioner has been working in their firm from 1.1.1997 as a Night Shift Operator and from 11.5.1998 till the date of issue as Regular Operator in the 33/11 K.V. Golconda sub-station. The said certificate was duly signed by the Assistant Divisional Engineer (El), Op-Lines VI, APSEB, Asifnagar S.S, Hyderabad. As the petitioner himself in his letter dated 24.6.2001 stated that during the relevant period not only he prosecuted his studies but also discharged his duties at Hyderabad, his case has not been considered. The learned counsel for the petitioner also placed reliance on the copies of the Work Permit Sheet, which shows that the petitioner was discharging his duties during night shift. Therefore, these aspects have to be considered by the

respondents in accordance with B.P.Ms.No.36 dated 18.5.1997 on the material produced by the petitioner.

Hence, the writ petition is allowed setting aside the impugned Proceedings dated 23.4.2003 and the matter is remitted to the respondents for disposal afresh in accordance with B.P.Ms. Rules and Regulations, within four weeks from the date of receipt of copy of this order. No costs.

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Dt.08.08.2005 K.C. BHANU, J

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